

PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference =====	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/APEA416)	
International application No. PCT/GB 03/01596	International filing date (day/month/year) 14.04.2003	Priority date (day/month/year) 16.04.2002
International Patent Classification (IPC) or both national classification and IPC E21B21/10		
Applicant SPECIALISED PETROLEUM SERVICES GROUP LIMITED		
<p>1. This International preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of 6 sheets.</p>		
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> I <input checked="" type="checkbox"/> Basis of the opinion II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application 		
Date of submission of the demand 27.10.2003	Date of completion of this report 03.05.2004	
Name and mailing address of the International preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Schouten, A Telephone No. +31 70 340-4088	

**INTERNATIONAL PRELIMINARY
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International application No. PCT/GB 03/01596

I. Basis of the report

1. With regard to the elements of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-14 as originally filed

Claims, Numbers

1-22 received on 09.04.2004 with letter of 09.04.2004

Drawings, Sheets

1/5-5/5 as originally filed

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- the language of publication of the international application (under Rule 48.3(b)).
- the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in written form.
- filed together with the international application in computer readable form.
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.
- The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- the description, pages:
- the claims, Nos.:
- the drawings, sheets:

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5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	18-22
	No: Claims	1-17
Inventive step (IS)	Yes: Claims	18-22
	No: Claims	1-17

2. Citations and explanations

see separate sheet

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Re Item V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1) In light of the documents cited in the international search report, and in light of the subsequent amendments made by the applicant, it is considered that the invention as claimed in at least one of the independent claims does not appear to meet the criteria mentioned in Article 33 (1) PCT, i.e. does not appear to be novel.

Dependent claims can only meet the PCT requirements when related to independent claims complying with Article 33 (1) PCT.

2) The document US-A-6.161.632 discloses in column 5, line 39-49; column 8, line 1-39 and column 11, line 26 - column 12, line 3 (the references in parentheses applying to this document):

A hydraulically activated downhole tool for use in a well bore (11) comprising:

- a hydraulically operated tool (the motor/drill head mentioned in column 5, line 39-40) including a hydraulically operating mechanism (the motor) controlled by fluid pressure; and
- a control sub (20) comprising a tubular assembly having a through passage between an inlet and a first outlet, the inlet being adapted (22) for connection on a workstring, the first outlet being adapted (24) for connection to a hydraulically operated downhole tool, one or more radial outlets (29, 30) extending generally transversely of the tubular assembly, an obturating member (21) moveable between a first position (Fig. 3) permitting fluid flow through the one or more radial outlets (29, 30) and a second position (Fig. 2) closing the one or more radial outlets (29, 30),
- wherein the obturating member (21) is moved from the first position (Fig. 3) to the second position (Fig. 2) by a compressive force applied from hydraulically operated tool; and
- movement of the obturating member (21) regulates the fluid pressure from the first outlet to hydraulically control the hydraulically operated tool (see column 11, line 42-54).

The subject-matter of independent claim 1 is therefore not new (Article 33(2) PCT).

Please note that there are no technical features distinguishing the apparatus as disclosed in US-A-6.161.632 from the hydraulically activated downhole tool as claimed

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in independent claim 1. The apparatus as disclosed in US-A-6.161.632 is therefore considered to be suitable for regulating the fluid pressure (see column 6, line 8-12) to hydraulically control the hydraulically operated tool as claimed in independent claim 1.

- 3) Dependent claims 2-17 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step, see documents US-A-6.161.632 and the corresponding passages cited in the search report or the claimed features are merely one of several straightforward possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill, in order to solve the problem posed.
- 4) In light of the documents cited in the international search report, and in light of the subsequent amendments made by the applicant, it is considered as obvious that the invention as claimed in the independent method claims 18 and 21 meets the criteria mentioned in Article 33(1) PCT, i.e. it appears to be novel, to involve an inventive step and to be industrially applicable.